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Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Note verbale dated 4 November 2008 from the Permanent Mission of Iceland to the United Nations addressed to the Committee

The Permanent Mission of Iceland to the United Nations refers to a letter from the Counter-Terrorism Committee dated 26 November 2007 (Ref. S/AC.40/2007/OC.27) inviting Iceland to share information regarding the implementation of Security Council resolutions 1373 (2001) and 1624 (2005) and to comment on the Counter-Terrorism Committee's preliminary implementation assessment.

Please find enclosed a document containing the fifth implementation report of Iceland.

(*Signed*) Matthias G. **Pálsson**
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Annex to the note verbale dated 4 November 2008 from the Permanent Mission of Iceland to the United Nations addressed to the Committee

Implementation of Security Council resolution 1624 (2005)

Paragraph 1
2.1

Some changes to the General Penal Code No. 19/1940 have been proposed in a bill that is now under review in the Parliament, as has been explained earlier (see answer to question 1.4). One of the changes is an addition to article 100, a new article 100 (d) (compare with article 5 of the bill). The provision stipulates that any person who publicly encourages people to commit terrorist acts as defined in article 100 (a) shall be imprisoned for up to three years.

2.2

According to the Act on Foreigners No. 96/2002, people can be denied entry or expelled from Iceland for a number of reasons.

Article 18, Denial of Entry on Arrival, states:

A foreigner may be denied entry into Iceland on arrival, and for a period of up to seven days following arrival:

(e) If he has been sentenced as referred to in article 20, first paragraph, subparagraphs (b) or (c), or if there are, for other reasons, particular grounds to assume that he may commit, in Iceland or in any other Nordic country, a punishable act that may result in imprisonment for a period exceeding three months;

(i) If he is registered in the Schengen Information System for the purpose of denying him entry, and

(j) If this is necessary with a view to public order, national security or the international relations of Iceland or any other State taking part in the Schengen cooperation.

Article 20, Expulsion, states:

A foreigner may be expelled from Iceland:

(a) If he has violated one or more provisions of this Act seriously or repeatedly, or if he fails to heed a decision involving an order to leave Iceland;

(b) If he has, during the five previous years, served a sentence abroad or been sentenced abroad on account of an act that under Icelandic law can result in imprisonment for more than three months; the same shall apply in case of particular measures taken on account of such criminal conduct;

(c) If he has been sentenced in Iceland or if a court has ordered that he shall be subjected to security measures in consequence of conduct that can result in imprisonment for more than three months, or if he has been sentenced to imprisonment more than once in the previous three years;

(d) If this is necessary with a view to national security or the public interest.

Foreigners who are citizens of the European Economic Area

Article 41, Denial of Entry, states:

A European Economic Area (EEA) national may be denied entry into Iceland on arrival and for a period of up to seven days following arrival, if:

(b) If he has been expelled from Iceland or from any other of the Nordic countries, a prohibition of re-entry is still in effect, and he has not been granted permission to come to Iceland;

(d) this is necessary with a view to State security or urgent national interest.

Article 42, Expulsion, states:

An EEA national may be expelled from Iceland if this is necessary with a view to public order and security.

Expulsion may take place if the foreigner in question evinces, or is reasonably deemed to have evinced, personal conduct involving a real and sufficiently serious threat to fundamental societal values. A foreigner who has been sentenced, or with respect to whom special measures have been ordered, may generally be expelled for this reason only if his conduct indicates that he will commit a criminal offence again.

Expulsion shall not take place if, with a view to the facts of the matter and the links to Iceland of the foreigner in question, the measure would be deemed unreasonable with respect to him or his closest family members.

Expulsion entails a prohibition against returning to Iceland later. The prohibition against returning may be permanent or limited in time, however generally not for a period shorter than two years. A person who has been expelled may, on application, be granted a permit to return if new facts recommend this.

The Immigration Office shall decide on expulsions and on return permits to expelled foreigners.

Asylum seekers

Article 46, Right of Asylum, states:

A refugee in Iceland or arriving in Iceland is, upon application, entitled to asylum. This does not, however, apply to a refugee if:

(f) He may be refused entry on account of important national interests.

Paragraph 2

2.3

Through cooperation with the North Atlantic Treaty Organization (NATO) Member States, the European Police Office (Europol) and the International Criminal Police Organization (INTERPOL) and within the framework of the Schengen Agreement, Iceland seeks to strengthen the security of its international borders and to prevent those guilty of incitement to commit a terrorist act from entering Icelandic territory.

Received information regarding possible terror suspects is fed into a passenger manifest programme for inbound passengers on international flights. Security checks are carried out in the country's harbours.

Passenger security procedures are aimed at combating fraudulent travel documents where applicable and in accordance with the Schengen Agreement. Border police receive training in identifying fraudulent travel documents.

Paragraph 3

2.4

Iceland encourages dialogue and cooperation among and between cultures and civilizations as Iceland considers that dialogue and cooperation will further enhance understanding and tolerance among peoples. Therefore, Iceland participates in discussions within international organizations/institutions to enhance dialogue and broaden understanding among civilizations.

2.5

The crime rate in Iceland is relatively low and no acts of terrorism have yet been committed. In addition, no suspected terrorists have been prosecuted in Iceland and Iceland is not considered among the countries that are primary targets for terrorism. Facts like these do not, however, diminish the fact that the Government is well aware of how important collaboration on the international state is, to combat the danger that terrorism brings with it, and has therefore been an active participant on the global scene. Iceland is a party to all principal international agreements regarding terrorism and has amended its legislation to satisfy its obligations according to those agreements.

The population of Iceland is around 320,000 inhabitants. Around 7 per cent of the population are foreigners. Since the countries in East Europe became members of the European Union, and consequently members of EEA and the Schengen scheme (at least some of them), there has been a considerable influx of immigrants to Iceland. This has occurred in particular in relation to the economic boom in Iceland from 2004 to 2007, which resulted in a great demand for foreign labour.

Around 85 per cent of the people living in Iceland are Lutheran. Up to date there has not been unrest or a confrontation between different religions or ethnicities in Iceland and no special indications thereof in the near future. However, it is of vital importance to have immigrants integrate into the society as fast as possible and to avoid isolation. In order to achieve this social integration, two things can be mentioned that are of great importance: learning the language and taking part in the job market. The Government has put great emphasis on immigrants learning Icelandic and in 2006, the Minister of Education introduced a budget of ISK 100 million (US$ 1.2 million) to be put into Icelandic language courses for foreigners living in Iceland, for longer or shorter time periods.

Paragraph 4

2.6

The Ministry of Justice, the Parliament and the Prime Minister's Office have issued guidelines regarding the composition of Icelandic legislation. It is clearly

stated in the guidelines that attention must be given to Iceland's obligations under international law in the elaboration of legislation, such as treaties and conventions Iceland has acceded to. All draft legislation is examined thoroughly, both in form and in substance. It is examined as to whether it corresponds to the Icelandic Constitution, EEA law (namely, the law that is in force in the European Economic Area) and other general rules and principles. The ministry that is drafting the legislation is responsible for ensuring compliance with specific international conventions.